

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SIMON WILLIAMS, JR.,

Plaintiff,

v.

ATTORNEY MICHAEL EVANS, *et al*,

Defendants.

Case No. C06-5288RBL

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On April 12, 2006, plaintiff filed his complaint and application to proceed *in forma pauperis* with the United States District Court Eastern District of Washington. (Dkt. #7). On May 25, 2006, the United States District Court Eastern District of Washington transferred this matter to this Court. (Dkt. #6). On

1 June 1, 2006, the Clerk sent plaintiff a letter informing him his application was deficient in that he had not  
2 submitted the written consent required by Local Rule CR 3(b). (Dkt. #8). The Clerk informed plaintiff that  
3 failure to submit that consent by July 3, 2006, could result in dismissal of this action.

4 The Court is issuing this order to show cause because of certain other deficiencies in plaintiff's  
5 application. First, the acknowledgment and authorization plaintiff submitted pursuant to 28 U.S.C. §  
6 1915(b), references the \$250.00 Court filing fee he is obligated to re-pay. At the time plaintiff filed his  
7 complaint, however, the filing fee had been increased to \$350.00. Accordingly, the Court requires from  
8 plaintiff a new signed and completed acknowledgment and authorization form referencing the current  
9 \$350.00 filing fee.

10 In addition, pursuant to 28 U.S.C. § 1915(a)(2):

11 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or  
12 proceeding without prepayment of fees or security therefor . . . shall submit a certified  
13 copy of the trust fund account statement (or institutional equivalent) for the prisoner for  
14 the 6-month period immediately preceding the filing of the complaint or notice of appeal,  
obtained from the appropriate official of each prison at which the prisoner is or was  
confined.

15 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the  
16 six-month period immediately preceding the filing of his complaint. However, plaintiff has submitted a  
17 statement showing the balance and activity of his account only for the months of January and February,  
18 2006.

19 Accordingly, the Court orders the following:

- 20 (1) Plaintiff shall seek to cure the above deficiencies by filing **no later than July 6, 2006**, (a) a  
21 copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2) showing the  
22 balance and activity of his account(s) for the six-month period immediately preceding the  
23 filing of his complaint; (b) a copy of the acknowledgment and authorization form pursuant  
24 to 28 U.S.C. § 1915(b) referencing the \$350.00 filing fee; and (c) a copy of the written  
25 consent required by Local Rule CR 3(b), as noted by the Clerk.

26 **Failure to cure these deficiencies by the above date shall be deemed a failure to**  
27 **properly prosecute this matter and the Court will recommend dismissal of this**  
28 **matter.**

- (2) The Clerk is directed to send a copy of this Order to plaintiff, along with the appropriate

1 acknowledgment and authorization form.

2 DATED this 6th day of June, 2006.

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6 Karen L. Strombom  
7 United States Magistrate Judge  
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